

HOUSE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

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FOR

SENATE BILLS NOS. 969, 673 & 855

AN ACT

To repeal sections 43.540, 217.690, 542.261,
542.276, 556.061, 565.225, 565.253, 569.070,
and 632.483, RSMo, and to enact in lieu
thereof eighteen new sections relating to the
prosecution and prevention of sex crimes,
with penalty provisions and an emergency
clause.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

Section A. Sections 43.540, 217.690, 542.261, 542.276,
556.061, 565.225, 565.253, 569.070, and 632.483, RSMo, are
repealed and eighteen new sections enacted in lieu thereof, to be
known as sections 43.540, 43.653, 43.656, 43.659, 217.690,
542.261, 542.276, 556.061, 565.225, 565.252, 565.253, 566.145,
566.151, 569.070, 578.600, 578.605, 578.610, and 632.483, to read
as follows:

43.540. 1. As used in this section, the following terms

1 mean:

2 (1) "Criminal record review", a request to the highway
3 patrol for information concerning any criminal history record for
4 a felony or misdemeanor and any offense for which the person has
5 registered pursuant to sections 589.400 to 589.425, RSMo;

6 (2) "Patient or resident", a person who by reason of aging,
7 illness, disease or physical or mental infirmity receives or
8 requires care or services furnished by a provider, as defined in
9 this section, or who resides or boards in, or is otherwise kept,
10 cared for, treated or accommodated in a facility as defined in
11 section 198.006, RSMo, for a period exceeding twenty-four
12 consecutive hours;

13 (3) "Patrol", the Missouri state highway patrol;

14 (4) "Provider", any licensed day care home, licensed day
15 care center, licensed child placing agency, licensed residential
16 care facility for children, licensed group home, licensed foster
17 family group home, licensed foster family home or any operator
18 licensed pursuant to chapter 198, RSMo, any employer of nurses or
19 nursing assistants for temporary or intermittent placement in
20 health care facilities or any entity licensed pursuant to chapter
21 197, RSMo;

22 (5) "Youth services agency", any public or private agency,
23 school, or association which provides programs, care or treatment
24 for or which exercises supervision over minors.

25 2. Upon receipt of a written request from a private

1 investigatory agency, a youth service agency or a provider, with
2 the written consent of the applicant, the highway patrol shall
3 conduct a criminal record review of an applicant for a paid or
4 voluntary position with the agency or provider if such position
5 would place the applicant in contact with minors, patients or
6 residents.

7 3. Any request for information made pursuant to the
8 provisions of this section shall be on a form provided by the
9 highway patrol and shall be signed by the person who is the
10 subject of the request.

11 4. The patrol shall respond in writing to the youth service
12 agency or provider making a request for information pursuant to
13 this section and shall inform such youth service agency or
14 provider of the address and offense for which the offender
15 registered pursuant to sections 589.400 to 589.425, RSMo, and the
16 nature of the offense, and the date, place and court for any
17 other offenses contained in the criminal record review.

18 Notwithstanding any other provision of law to the contrary, the
19 youth service agency or provider making such request shall have
20 access to all records of arrests resulting in an adjudication
21 where the applicant was found guilty or entered a plea of guilty
22 or nolo contendere in a prosecution pursuant to chapter 565,
23 RSMo, sections 566.010 to 566.141, RSMo, or under the laws of any
24 state or the United States for offenses described in sections
25 566.010 to 566.141, RSMo, or chapter 565, RSMo, during the period

1 of any probation imposed by the sentencing court.

2 5. Any information received by a provider or a youth
3 services agency pursuant to this section shall be used solely for
4 the provider's or youth service agency's internal purposes in
5 determining the suitability of an applicant or volunteer. The
6 information shall be confidential and any person who discloses
7 the information beyond the scope allowed in this section is
8 guilty of a class A misdemeanor. The patrol shall inform, in
9 writing, the provider or youth services agency of the
10 requirements of this subsection and the penalties provided in
11 this subsection at the time it releases any information pursuant
12 to this section.

13 43.653. The state highway patrol is hereby authorized to
14 create, direct, control and supervise the "Missouri Regional
15 Computer Forensics Lab" (RCFL). The Department of Public Safety
16 has the ability to bring together federal, state, and local
17 resources to fight computer crimes for the purposes listed in
18 section 43.656. The RCFL shall be located within a twenty-five
19 mile radius of an international airport.

20 43.656. It is hereby found and declared that:

21 (1) With the widespread use of computers, the Internet and
22 electronic devices to commit crimes and the critical lack of
23 resources at state and local levels;

24 (2) Modern day criminals have learned to exploit the
25 Internet and electronic communication to leverage computer

1 technology to reach a virtually unlimited number of victims while
2 maintaining a maximum level of anonymity, computer crimes will
3 continue to mount, especially in, but not limited to, the areas
4 of child pornography and sexual offenses involving children,
5 consumer fraud and harassment.

6 (3) It is necessary for the protection of the citizens of
7 this state that provisions be made for the establishment of the
8 Missouri regional computer forensics lab to prevent and reduce
9 computer, Internet and other electronically-based crimes.

10 43.659. The state highway patrol shall have the power, as
11 necessary or convenient to carry out and effectuate the purposes
12 and provisions of sections 43.653 to 43.656, to enter into
13 agreements or other transactions with, negotiate memorandum of
14 understanding with all governmental agencies, participate in
15 interstate computer forensic matters as they relate to the
16 purposes of the center, both within and outside the state when
17 necessary or appropriate, or when required to do so by a proper
18 authority and accept grants and the cooperation of, the United
19 States or any agency or instrumentality thereof or of this state
20 or any agency or instrumentality thereof, in furtherance of the
21 purposes of this section, and to do any and all things necessary
22 in order to avail itself of such aid and cooperation.

23 217.690. 1. When in its opinion there is reasonable
24 probability that an offender of a correctional center can be
25 released without detriment to the community or to himself, the

1 board may in its discretion release or parole such person except
2 as otherwise prohibited by law. All paroles shall issue upon
3 order of the board, duly adopted.

4 2. Before ordering the parole of any offender, the board
5 shall have the offender appear before a hearing panel and shall
6 conduct a personal interview with him, unless waived by the
7 offender. A parole shall be ordered only for the best interest
8 of society, not as an award of clemency; it shall not be
9 considered a reduction of sentence or a pardon. An offender
10 shall be placed on parole only when the board believes that he is
11 able and willing to fulfill the obligations of a law-abiding
12 citizen. Every offender while on parole shall remain in the
13 legal custody of the department but shall be subject to the
14 orders of the board.

15 3. The board shall adopt rules not inconsistent with law,
16 in accordance with section 217.040, with respect to the
17 eligibility of offenders for parole, the conduct of parole
18 hearings or conditions to be imposed upon paroled offenders.
19 Whenever an order for parole is issued it shall recite the
20 conditions of such parole.

21 4. When considering parole for an offender with consecutive
22 sentences, the minimum term for eligibility for parole shall be
23 calculated by adding the minimum terms for parole eligibility for
24 each of the consecutive sentences, except the minimum term for
25 parole eligibility shall not exceed the minimum term for parole

1 eligibility for an ordinary life sentence.

2 5. Any offender under a sentence for first degree murder
3 who has been denied release on parole after a parole hearing
4 shall not be eligible for another parole hearing until at least
5 three years from the month of the parole denial; however, this
6 subsection shall not prevent a release pursuant to subsection 4
7 of section 558.011, RSMo.

8 6. Parole hearings shall, at a minimum, contain the
9 following procedures:

10 (1) The victim or person representing the victim who
11 attends a hearing may be accompanied by one other person;

12 (2) The victim or person representing the victim who
13 attends a hearing shall have the option of giving testimony in
14 the presence of the inmate or to the hearing panel without the
15 inmate being present;

16 (3) The victim or person representing the victim may call
17 or write the parole board rather than attend the hearing;

18 (4) The victim or person representing the victim may have a
19 personal meeting with a board member at the board's central
20 office; [and]

21 (5) The judge, prosecuting attorney or circuit attorney and
22 a representative of the local law enforcement agency
23 investigating the crime shall be allowed to attend the hearing or
24 provide information to the hearing panel in regard to the parole
25 consideration; and

1 (6) The board shall evaluate information listed in the
2 juvenile sex offender registry pursuant to section 211.425,
3 provided the offender is less than twenty-one years of age, as it
4 impacts the safety of the community.

5 7. The board shall notify any person of the results of a
6 parole eligibility hearing if the person indicates to the board a
7 desire to be notified.

8 8. The board may, at its discretion, require any offender
9 seeking parole to meet certain conditions during the term of that
10 parole so long as said conditions are not illegal or impossible
11 for the offender to perform. These conditions may include an
12 amount of restitution to the state for the cost of that
13 offender's incarceration.

14 9. Nothing contained in this section shall be construed to
15 require the release of an offender on parole nor to reduce the
16 sentence of an offender heretofore committed.

17 10. Beginning January 1, 2001, the board shall not order a
18 parole unless the offender has obtained a high school diploma or
19 its equivalent, or unless the board is satisfied that the
20 offender, while committed to the custody of the department, has
21 made an honest good-faith effort to obtain a high school diploma
22 or its equivalent; provided that the director may waive this
23 requirement by certifying in writing to the board that the
24 offender has actively participated in mandatory education
25 programs or is academically unable to obtain a high school

1 diploma or its equivalent.

2 542.261. As used in sections 542.261 to 542.296 and section
3 542.301, the term "peace officer" means a police officer, member
4 of the highway patrol to the extent otherwise permitted by law to
5 conduct searches, sheriff or deputy sheriff, and the term
6 "technological crime" shall be defined as it is in section
7 578.600, RSMo.

8 542.276. 1. Any peace officer or prosecuting attorney may
9 make application under section 542.271 for the issuance of a
10 search warrant. In any investigation of a technological crime,
11 the attorney general may also make application under section
12 542.271 for the issuance of a search warrant.

13 2. The application shall:

14 (1) Be in writing;

15 (2) State the time and date of the making of the
16 application;

17 (3) Identify the property, article, material, substance or
18 person which is to be searched for and seized, in sufficient
19 detail and particularity that the officer executing the warrant
20 can readily ascertain it;

21 (4) Identify the person, place, or thing which is to be
22 searched, in sufficient detail and particularity that the officer
23 executing the warrant can readily ascertain whom or what he is to
24 search;

25 (5) State facts sufficient to show probable cause for the

1 issuance of a search warrant;

2 (6) Be verified by the oath or affirmation of the
3 applicant;

4 (7) Be filed in the proper court;

5 (8) Be signed by the prosecuting attorney of the county
6 where the search is to take place, or [his] by the prosecuting
7 attorney's designated assistant, or, in the case of an
8 application to search for and seize evidence related to a
9 technological crime, be signed by the attorney general or the
10 attorney general's designated assistant, or the prosecuting
11 attorney or the prosecuting attorney's designated assistant.

12 3. The application may be supplemented by a written
13 affidavit verified by oath or affirmation. Such affidavit shall
14 be considered in determining whether there is probable cause for
15 the issuance of a search warrant and in filling out any
16 deficiencies in the description of the person, place, or thing to
17 be searched or of the property, article, material, substance, or
18 person to be seized. Oral testimony shall not be considered.

19 4. The judge shall hold a nonadversary hearing to determine
20 whether sufficient facts have been stated to justify the issuance
21 of a search warrant. If it appears from the application and any
22 supporting affidavit that there is probable cause to believe that
23 property, article, material, substance, or person subject to
24 seizure is on the person or at the place or in the thing
25 described, a search warrant shall immediately be issued. The

1 warrant shall be issued in the form of an original and two
2 copies.

3 5. The application and any supporting affidavit and a copy
4 of the warrant shall be retained in the records of the court from
5 which the warrant was issued.

6 6. The search warrant shall:

7 (1) Be in writing and in the name of the state of Missouri;

8 (2) Be directed to any peace officer in the state;

9 (3) State the time and date the warrant is issued;

10 (4) Identify the property, article, material, substance or
11 person which is to be searched for and seized, in sufficient
12 detail and particularity that the officer executing the warrant
13 can readily ascertain it;

14 (5) Identify the person, place, or thing which is to be
15 searched, in sufficient detail and particularity that the officer
16 executing the warrant can readily ascertain whom or what he is to
17 search;

18 (6) Command that the described person, place, or thing be
19 searched and that any of the described property, article,
20 material, substance, or person found thereon or therein be seized
21 or photographed or copied and be returned, or the photograph or
22 copy be brought, within ten days after filing of the application,
23 to the judge who issued the warrant, to be dealt with according
24 to law;

25 (7) Be signed by the judge, with his title of office

1 indicated.

2 7. A search warrant issued under this section may be
3 executed only by a peace officer. The warrant shall be executed
4 by conducting the search and seizure commanded.

5 8. A search warrant shall be executed as soon as
6 practicable and shall expire if it is not executed and the return
7 made within ten days after the date of the making of the
8 application.

9 9. After execution of the search warrant, the warrant with
10 a return thereon, signed by the officer making the search, shall
11 be delivered to the judge who issued the warrant. The return
12 shall show the date and manner of execution, what was seized, and
13 the name of the possessor and of the owner, when he is not the
14 same person, if known. The return shall be accompanied by a copy
15 of the itemized receipt required by subsection [6] 5 of section
16 542.291. The judge or clerk shall, upon request, deliver a copy
17 of such receipt to the person from whose possession the property
18 was taken and to the applicant for the warrant.

19 10. A search warrant shall be deemed invalid:

20 (1) If it was not issued by a judge; or

21 (2) If it was issued without a written application having
22 been filed and verified; or

23 (3) If it was issued without probable cause; or

24 (4) If it was not issued in the proper county; or

25 (5) If it does not describe the person, place, or thing to

1 be searched or the property, article, material, substance, or
2 person to be seized with sufficient certainty; or

3 (6) If it is not signed by the judge who issued it; or

4 (7) If it was not executed within the time prescribed by
5 subsection 8 of this section.

6 556.061. In this code, unless the context requires a
7 different definition, the following shall apply:

8 (1) "Affirmative defense" has the meaning specified in
9 section 556.056;

10 (2) "Burden of injecting the issue" has the meaning
11 specified in section 556.051;

12 (3) "Commercial film and photographic print processor", any
13 person who develops exposed photographic film into negatives,
14 slides or prints, or who makes prints from negatives or slides,
15 for compensation. The term commercial film and photographic
16 print processor shall include all employees of such persons but
17 shall not include a person who develops film or makes prints for
18 a public agency;

19 (4) "Confinement":

20 (a) A person is in confinement when such person is held in
21 a place of confinement pursuant to arrest or order of a court,
22 and remains in confinement until:

23 a. A court orders the person's release; or

24 b. The person is released on bail, bond, or recognizance,
25 personal or otherwise; or

1 c. A public servant having the legal power and duty to
2 confine the person authorizes his release without guard and
3 without condition that he return to confinement;

4 (b) A person is not in confinement if:

5 a. The person is on probation or parole, temporary or
6 otherwise; or

7 b. The person is under sentence to serve a term of
8 confinement which is not continuous, or is serving a sentence
9 under a work-release program, and in either such case is not
10 being held in a place of confinement or is not being held under
11 guard by a person having the legal power and duty to transport
12 the person to or from a place of confinement;

13 (5) "Consent": consent or lack of consent may be expressed
14 or implied. Assent does not constitute consent if:

15 (a) It is given by a person who lacks the mental capacity
16 to authorize the conduct charged to constitute the offense and
17 such mental incapacity is manifest or known to the actor; or

18 (b) It is given by a person who by reason of youth, mental
19 disease or defect, or intoxication, is manifestly unable or known
20 by the actor to be unable to make a reasonable judgment as to the
21 nature or harmfulness of the conduct charged to constitute the
22 offense; or

23 (c) It is induced by force, duress or deception;

24 (6) "Criminal negligence" has the meaning specified in
25 section 562.016, RSMo;

1 (7) "Custody", a person is in custody when the person has
2 been arrested but has not been delivered to a place of
3 confinement;

4 (8) "Dangerous felony" means the felonies of arson in the
5 first degree, assault in the first degree, attempted forcible
6 rape, attempted forcible sodomy, forcible rape, forcible sodomy,
7 kidnapping, murder in the second degree and robbery in the first
8 degree;

9 (9) "Dangerous instrument" means any instrument, article or
10 substance, which, under the circumstances in which it is used, is
11 readily capable of causing death or other serious physical
12 injury;

13 (10) "Deadly weapon" means any firearm, loaded or unloaded,
14 or any weapon from which a shot, readily capable of producing
15 death or serious physical injury, may be discharged, or a
16 switchblade knife, dagger, billy, blackjack or metal knuckles;

17 (11) "Felony" has the meaning specified in section 556.016;

18 (12) "Forcible compulsion" means either:

19 (a) Physical force that overcomes reasonable resistance; or

20 (b) A threat, express or implied, that places a person in
21 reasonable fear of death, serious physical injury or kidnapping
22 of such person or another person;

23 (13) "Incapacitated" means that physical or mental
24 condition, temporary or permanent, in which a person is
25 unconscious, unable to appraise the nature of such person's

1 conduct, or unable to communicate unwillingness to an act. A
2 person is not incapacitated with respect to an act committed upon
3 such person if he or she became unconscious, unable to appraise
4 the nature of such person's conduct or unable to communicate
5 unwillingness to an act, after consenting to the act;

6 (14) "Infraction" has the meaning specified in section
7 556.021;

8 (15) "Inhabitable structure" has the meaning specified in
9 section 569.010, RSMo;

10 (16) "Knowingly" has the meaning specified in section
11 562.016, RSMo;

12 (17) "Law enforcement officer" means any public servant
13 having both the power and duty to make arrests for violations of
14 the laws of this state, and federal law enforcement officers
15 authorized to carry firearms and to make arrests for violations
16 of the laws of the United States;

17 (18) "Misdemeanor" has the meaning specified in section
18 556.016;

19 (19) "Offense" means any felony, misdemeanor or infraction;

20 (20) "Physical injury" means physical pain, illness, or any
21 impairment of physical condition;

22 (21) "Place of confinement" means any building or facility
23 and the grounds thereof wherein a court is legally authorized to
24 order that a person charged with or convicted of a crime be held;

25 (22) "Possess" or "possessed" means having actual or

1 constructive possession of an object with knowledge of its
2 presence. A person has actual possession if such person has the
3 object on his or her person or within easy reach and convenient
4 control. A person has constructive possession if such person has
5 the power and the intention at a given time to exercise dominion
6 or control over the object either directly or through another
7 person or persons. Possession may also be sole or joint. If one
8 person alone has possession of an object, possession is sole. If
9 two or more persons share possession of an object, possession is
10 joint;

11 (23) "Public servant" means any person employed in any way
12 by a government of this state who is compensated by the
13 government by reason of such person's employment, any person
14 appointed to a position with any government of this state, or any
15 person elected to a position with any government of this state.
16 It includes, but is not limited to, legislators, jurors, members
17 of the judiciary and law enforcement officers. It does not
18 include witnesses;

19 (24) "Purposely" has the meaning specified in section
20 562.016, RSMo;

21 (25) "Recklessly" has the meaning specified in section
22 562.016, RSMo;

23 (26) "Ritual" or "ceremony" means an act or series of acts
24 performed by two or more persons as part of an established or
25 prescribed pattern of activity;

1 (27) "Serious emotional injury", an injury that creates a
2 substantial risk of temporary or permanent medical or
3 psychological damage, manifested by impairment of a behavioral,
4 cognitive or physical condition. Serious emotional injury shall
5 be established by testimony of qualified experts upon the
6 reasonable expectation of probable harm to a reasonable degree of
7 medical or psychological certainty;

8 (28) "Serious physical injury" means physical injury that
9 creates a substantial risk of death or that causes serious
10 disfigurement or protracted loss or impairment of the function of
11 any part of the body;

12 (29) "Sexual conduct" means acts of human masturbation;
13 deviate sexual intercourse; sexual intercourse; or physical
14 contact with a person's clothed or unclothed genitals, pubic
15 area, buttocks, or the breast of a female in an act of apparent
16 sexual stimulation or gratification;

17 (30) "Sexual contact" means any touching of the genitals or
18 anus of any person, or the breast of any female person, or any
19 such touching through the clothing, for the purpose of arousing
20 or gratifying sexual desire of any person;

21 (31) "Sexual performance", any performance, or part
22 thereof, which includes sexual conduct by a child who is less
23 than seventeen years of age;

24 (32) "Voluntary act" has the meaning specified in section
25 562.011, RSMo.

1 565.225. 1. As used in this section, the following terms
2 shall mean:

3 (1) "Course of conduct", a pattern of conduct composed of a
4 series of acts, which may include electronic or other
5 communications, over a period of time, however short, evidencing
6 a continuity of purpose. Constitutionally protected activity is
7 not included within the meaning of "course of conduct". Such
8 constitutionally protected activity includes picketing or other
9 organized protests;

10 (2) "Credible threat", a threat made with the intent to
11 cause the person who is the target of the threat to reasonably
12 fear for his or her safety. The threat must be against the life
13 of, or a threat to cause physical injury to, a person and may
14 include a threat communicated to the targeted person in writing,
15 including electronic communications, by telephone, or by the
16 posting of a site or message that is accessible via computer;

17 (3) "Harasses", to engage in a course of conduct directed
18 at a specific person that serves no legitimate purpose, that
19 would cause a reasonable person to suffer substantial emotional
20 distress, and that actually causes substantial emotional distress
21 to that person.

22 2. Any person who purposely and repeatedly harasses or
23 follows with the intent of harassing another person commits the
24 crime of stalking.

25 3. Any person who purposely and repeatedly harasses or

1 follows with the intent of harassing or harasses another person,
2 and makes a credible threat with the intent to place that person
3 in reasonable fear of death or serious physical injury, commits
4 the crime of aggravated stalking.

5 4. The crime of stalking shall be a class A misdemeanor for
6 the first offense. A second or subsequent offense within five
7 years of a previous finding or plea of guilt against any victim
8 shall be a class D felony.

9 5. The crime of aggravated stalking shall be a class D
10 felony for the first offense. A second or subsequent offense
11 within five years of a previous finding or plea of guilt against
12 any victim shall be a class C felony.

13 6. Any law enforcement officer may arrest, without a
14 warrant, any person he or she has probable cause to believe has
15 violated the provisions of this section.

16 565.252. 1. A person commits the crime of invasion of
17 privacy in the first degree if such person:

18 (1) Knowingly photographs or films another person, without
19 the person's knowledge and consent, while the person being
20 photographed or filmed is in a state of full or partial nudity
21 and is in a place where one would have a reasonable expectation
22 of privacy, and the person subsequently distributes the
23 photograph or film to another or transmits the image contained in
24 the photograph or film in a manner that allows access to that
25 image via a computer; or

1 (2) Knowingly disseminates or permits the dissemination by
2 any means, to another person, of a videotape, photograph, or film
3 obtained in violation of subdivision (1) of subsection 1 of this
4 section or in violation of section 565.253.

5 2. Invasion of privacy in the first degree is a class C
6 felony.

7 565.253. 1. A person commits the crime of invasion of
8 privacy in the second degree if [he]:

9 (1) Such person knowingly views, photographs or films
10 another person, without that person's knowledge and consent,
11 while the person being viewed, photographed or filmed is in a
12 state of full or partial nudity and is in a place where [he] one
13 would have a reasonable expectation of privacy; or

14 (2) Such person knowingly uses a concealed camcorder or
15 photographic camera of any type to secretly videotape,
16 photograph, or record by electronic means, another person under
17 or through the clothing worn by that other person for the purpose
18 of viewing the body of or the undergarments worn by that other
19 person without that person's consent.

20 2. Invasion of privacy in the second degree pursuant to
21 subdivision (1) of subsection 1 of this section is a class A
22 misdemeanor; unless more than one person is viewed, photographed
23 or filmed in full or partial nudity in violation of sections
24 565.250 to 565.257 during the same course of conduct, in which
25 case invasion of privacy is a class D felony; and unless

1 committed by a [prior invasion of privacy offender] a person who
2 has previously pled guilty to or been found guilty of invasion of
3 privacy, in which case invasion of privacy is a class C felony.
4 Invasion of privacy in the second degree pursuant to subdivision
5 (2) of subsection 1 of this section is a class A misdemeanor;
6 unless more than one person is secretly videotaped, photographed
7 or recorded in violation of sections 565.250 to 565.257 during
8 the same course of conduct, in which case invasion of privacy is
9 a class D felony; and unless committed by a person who has
10 previously pled guilty to or been found guilty of invasion of
11 privacy, in which case invasion of privacy is a class C felony.
12 Prior pleas or findings of guilt shall be pled and proven in the
13 same manner required by the provisions of section 558.021, RSMo.

14 566.145. 1. A person commits the crime of sexual contact
15 with an inmate if such person is an employee of, or assigned to
16 work in, any jail, prison or correctional facility and such
17 person has sexual intercourse or deviate sexual intercourse with
18 an inmate or resident of the facility.

19 2. Sexual contact with an inmate is a class C felony.

20 3. The victim's consent is not an affirmative defense.

21 566.151. 1. A person at least twenty-one years of age or
22 older commits the crime of enticement of a child if that person
23 persuades, solicits, coaxes, entices, or lures whether by words,
24 actions or through communication via the Internet or any
25 electronic communication, any person who is less than fifteen

1 years of age for the purpose of engaging in sexual conduct with a
2 child.

3 2. It is not an affirmative defense to a prosecution for a
4 violation of this section that the other person was a peace
5 officer masquerading as a minor.

6 3. Attempting to entice a child is a class D felony.

7 4. Enticement of a child is a class C felony unless the
8 person has previously pled guilty to or been found guilty of
9 violating the provisions of this section, section 568.045,
10 568.050, or section 568.060, RSMo, or chapter 566, RSMo, in which
11 case it is a class B felony.

12 569.070. 1. A person commits the crime of causing
13 catastrophe if [he] such person:

14 (1) Knowingly causes a catastrophe by explosion, fire,
15 flood, collapse of a building, release of poison, radioactive
16 material, bacteria, virus or other dangerous and difficult to
17 confine force or substance; or

18 (2) Knowingly causes a catastrophe by modifying,
19 destroying, damaging or disabling any computer network or
20 program; or

21 (3) Knowingly causes a catastrophe by initiating a computer
22 virus.

23 2. "Catastrophe" means death or serious physical injury to
24 [ten] five or more people or substantial damage to five or more
25 buildings or inhabitable structures or substantial damage to a

1 private or public utility, vital public facility or public
2 service which seriously impairs its usefulness or operation.

3 3. Causing catastrophe is a class A felony.

4 578.600. As used in sections 578.600 to 578.610,
5 "technological crime" means any crime that involves, or the
6 commission of which has been furthered by, a computer, computer
7 equipment, computer hardware, computer network, computer program,
8 computer software or computer system, as those terms are defined
9 in section 556.063, RSMo.

10 578.605. 1. The attorney general shall have the authority
11 to conduct investigations of technological crimes. The attorney
12 general may use all such powers provided by law in order to
13 conduct such investigations.

14 2. Upon completing an investigation of a technological
15 crime where the attorney general does not have concurrent
16 original jurisdiction to commence a criminal action to prosecute
17 the offense, the attorney general shall provide the information
18 obtained during the investigation to the appropriate prosecuting
19 attorney.

20 3. Within thirty days after the prosecuting attorney's
21 receipt of information pursuant to subsection 2 of this section,
22 the prosecuting attorney shall notify the attorney general
23 whether or not the prosecuting attorney intends to commence a
24 prosecution.

25 578.610. In the course of a criminal investigation of a

1 technological crime, the attorney general may request the circuit
2 judge of any county in which the suspected offense could be
3 prosecuted to issue a subpoena to any witness who may have
4 information for the purpose of oral examination under oath and to
5 require the production of books, papers, records, or other
6 material of any evidentiary nature at such time and place as is
7 required under subpoena.

8 632.483. 1. When it appears that a person may meet the
9 criteria of a sexually violent predator, the agency with
10 jurisdiction shall give written notice of such to the attorney
11 general and the multidisciplinary team established in subsection
12 4 of this section. Written notice shall be given:

13 (1) Within three hundred sixty days prior to the
14 anticipated release from a correctional center of the department
15 of corrections of a person who has been convicted of a sexually
16 violent offense, except that in the case of persons who are
17 returned to prison for no more than one hundred eighty days as a
18 result of revocation of postrelease supervision, written notice
19 shall be given as soon as practicable following the person's
20 readmission to prison;

21 (2) At any time prior to the release of a person who has
22 been found not guilty by reason of mental disease or defect of a
23 sexually violent offense; or

24 (3) At any time prior to the release of a person who was
25 committed as a criminal sexual psychopath pursuant to section

1 632.475 and statutes in effect before August 13, 1980.

2 2. The agency with jurisdiction shall [inform] provide the
3 attorney general and the multidisciplinary team established in
4 subsection 4 of this section [of] with the following:

5 (1) The person's name, identifying factors, anticipated
6 future residence and offense history; [and]

7 (2) Documentation of institutional adjustment and any
8 treatment received or refused, including the Missouri sexual
9 offender program; and

10 (3) A determination by either a psychiatrist or a
11 psychologist as defined in section 632.005, as to whether the
12 person meets the definition of a sexually violent predator.

13 3. The agency with jurisdiction, its employees, officials,
14 members of the multidisciplinary team established in subsection 4
15 of this section, members of the prosecutor's review committee
16 appointed as provided in subsection 5 of this section and
17 individuals contracting or appointed to perform services
18 hereunder shall be immune from liability for any conduct
19 performed in good faith and without gross negligence pursuant to
20 the provisions of sections 632.480 to 632.513.

21 4. The director of the department of mental health and the
22 director of the department of corrections shall establish a
23 multidisciplinary team consisting of no more than seven members,
24 at least one from the department of corrections and the
25 department of mental health, and which may include individuals

1 from other state agencies to review available records of each
2 person referred to such team pursuant to subsection 1 of this
3 section. The team, within thirty days of receiving notice, shall
4 assess whether or not the person meets the definition of a
5 sexually violent predator. The team shall notify the attorney
6 general of its assessment.

7 5. The prosecutors coordinators training council
8 established pursuant to section 56.760, RSMo, shall appoint a
9 five-member prosecutors' review committee composed of a cross
10 section of county prosecutors from urban and rural counties.
11 No more than three shall be from urban counties, and one member
12 shall be the prosecuting attorney of the county in which the
13 person was convicted or committed pursuant to chapter 552, RSMo.
14 The committee shall review the records of each person referred to
15 the attorney general pursuant to subsection 1 of this section.
16 The prosecutors' review committee shall make a determination of
17 whether or not the person meets the definition of a sexually
18 violent predator. The determination of the prosecutors' review
19 committee or any member pursuant to this section or section
20 632.484 shall not be admissible evidence in any proceeding to
21 prove whether or not the person is a sexually violent predator.
22 The assessment of the multidisciplinary team shall be made
23 available to the attorney general and the prosecutors' review
24 committee.

25 Section B. Because immediate action is necessary to revise

1 the statute of limitations for certain sexual offenses, section A
2 of this act is deemed necessary for the immediate preservation of
3 the public health, welfare, peace and safety, and is hereby
4 declared to be an emergency act within the meaning of the
5 constitution, and section A of this act shall be in full force
6 and effect upon its passage and approval.